

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

March 1, 2001

Fifty-third Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:16 a.m.

The roll showed sixteen members present. Senators Cowdery, Ellis, Hoffman, Pearce were excused from a call of the Senate.

The prayer was offered by the Chaplain, Jan Conitz of the Juneau Baha'i Assembly. Senator Davis moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Magnified by Thy Name, O God, Thine in truth are the Kingdoms of Creation and Revelation, and verily in our Lord have we placed our whole trust. All praise be unto Thee, O God; Thou art the Maker of the heavens and the earth and that which is between them, and Thou in truth are the supreme Ruler, the Fashioner, the All-Wise, Glorified art Thou, O Lord! Thou wilt surely gather mankind for the Day of whose coming there is no doubt -- the Day whereon everyone shall appear before Thee and find life in Thee. This is the Day of the One true God -- the Day Thou shalt bring about as Thou pleasest through the power of Thy behest.

Thou art the Sovereign, the wondrous Creator, the Mighty, the Best Beloved.

Senator Olson led the Senate in the Pledge of Allegiance.

Certification

Senator Leman moved and asked unanimous consent that the journal for the fifty-second legislative day and House and Senate Joint Journal Supplement No. 5 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor**HJR 7**

Message dated and received February 28 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

CS FOR HOUSE JOINT RESOLUTION NO. 7(RE) am Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production.

Legislative Resolve No. 5

Messages from the House

Message dated February 28 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions****HJR 10**

CS FOR HOUSE JOINT RESOLUTION NO. 10(FSH) BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES,

Relating to the management of the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries and the protection and restoration of the Steller sea lion.

was read the first time and referred to the Resources Committee.

First Reading and Reference of House Bills**HB 90**

CS FOR HOUSE BILL NO. 90(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to reimbursement of municipal bonds for school construction; and providing for an effective date."

was read the first time and referred to the Finance Committee.

Standing Committee Reports

Report dated February 27 was read stating:

In accordance with AS 39.05.080, the Senate and House Labor and Commerce Committees met jointly, reviewed the following and recommended the appointments be forwarded to a joint session for consideration:

Alaska State Board of Public Accountancy

Kathleen B. Shreiber - Eagle River

Linda C. Thomas - Juneau

State Board of Registration for Architects, Engineers, and Land Surveyors

Daphne E. Brown - Anchorage

Patrick H. Kalen - Fairbanks

Dr. Robert E. Miller - Anchorage

Board of Barbers and Hairdressers

Darae Crews - Anchorage

Sheryl L. Sutton - Juneau

Larry Allen Ungerecht - Anchorage

Alaska Labor Relations Agency

Richard D. Brickley - Fairbanks

Aaron T. Isaacs - Klawock

Board of Marine Pilots

Anthony (Tony) J. Joslyn - Anchor Point

Jeffrey L. Thompson - Anchorage

Occupational Safety and Health Review Board

The Honorable Cliff Davidson - Kodiak
Carla L. Meek - Juneau

Board of Certified Real Estate Appraisers

James A. Hage - Fairbanks
Stephen F. Turner - Anchorage

Real Estate Commission

Clarence Bolden - Anchorage
Gail Dossman - Anchorage
Lottie M. Michael - Anchorage

Regulatory Commission of Alaska

James S. Strandberg - Anchorage

Board of Veterinary Examiners

Colonel William (Bill) McDonald - Fairbanks

Alaska Workers' Compensation Board

John A. Abshire - Wasilla
Valerie K. Baffone - Anchorage
Richard H. Behrends - Juneau
John Giuchici - Fairbanks
Stephen T. Hagedorn - Anchorage
Andrew (Bear) J. Piekarski - Eagle River
Marc D. Stemp - Bethel
Robin E. Ward - Anchorage

There were no stated objections to the confirmation of any of the named individuals by committee members. This report does not reflect intent by any of the members to vote for or against any candidates during any further sessions.

Signing the report: Senator Phillips, Chair, Senators Austerman, Davis, Leman, Torgerson.

SB 4

The Community and Regional Affairs Committee considered SENATE BILL NO. 4 "An Act relating to a mandatory exemption from municipal property taxes for certain residences and to an optional exemption from municipal taxes for residential property; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 4(CRA) "An Act relating to a mandatory exemption from municipal property taxes for certain residences; and providing for an effective date."

Signing do pass: Senator Torgerson, Chair. Signing no recommendation: Senators Phillips, Austerman.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Fiscal Note No. 2, zero, Department of Revenue

The bill was referred to the Finance Committee.

SB 99

The Judiciary Committee considered SENATE BILL NO. 99 "An Act relating to the DNA identification registration system." Signing do pass: Senator Taylor, Chair, Senator Donley. Signing no recommendation: Senators Therriault, Ellis.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Administration

Fiscal Note No. 2, zero, Department of Public Safety

The bill was referred to the Finance Committee.

SB 105

The Judiciary Committee considered SENATE BILL NO. 105 "An Act relating to victims' rights; relating to establishing an office of victims' rights; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; amending Rule 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 105(JUD)

Signing do pass: Senator Taylor, Chair, Senators Donley, Ellis, Therriault.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Corrections
Fiscal Note No. 2, indeterminate, Department of Law
Fiscal Note No. 3, zero, Department of Revenue

The bill was referred to the Finance Committee.

SB 112

The Health, Education and Social Services Committee considered SENATE BILL NO. 112 "An Act placing certain employees of the Alaska Mental Health Trust Authority in the exempt service; establishing a minimum salary for the long term care ombudsman; and providing for an effective date." Signing do pass: Senator Green, Chair, Senators Leman, Wilken, Ward, Davis.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Revenue

The bill was referred to the Finance Committee.

**Introduction and Reference of
Senate Resolutions**

SCR 7

SENATE CONCURRENT RESOLUTION NO. 7 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE,

Establishing a Health Care Cost Review Task Force.

was read the first time and referred to the Finance Committee.

SCR 8

SENATE CONCURRENT RESOLUTION NO. 8 BY SENATOR ELTON,

Urging Alaska's political parties to use a State of Alaska freedom of choice blanket primary election.

was read the first time and referred to the State Affairs and Judiciary Committees.

Introduction and Reference of Senate Bills**SB 123**

SENATE BILL NO. 123 BY SENATOR PEARCE, entitled:

"An Act relating to legislative approval for the design and construction of facilities of the Alaska Railroad Corporation."

was read the first time and referred to the Transportation and Finance Committees.

SB 124

SENATE BILL NO. 124 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the financing of construction and major maintenance of public school facilities; authorizing the commissioner of revenue to sell the right to receive a portion of the anticipated revenue from a certain tobacco litigation settlement to the Northern Tobacco Securitization Corporation; relating to the deposit of certain anticipated revenue from a certain tobacco litigation settlement; authorizing the issuance of bonds by the Northern Tobacco Securitization Corporation with proceeds to finance public school construction and major maintenance; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services, Judiciary and Finance Committees.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Fiscal Note No. 2, Department of Revenue

Governor's transmittal letter dated February 28:

Dear President Halford:

With declining general fund capital budgets, the backlog of needed school construction and major maintenance projects across our state has continued to grow. Last year we addressed a few of these needs recognizing it was just the beginning of a several-year plan. This bill I am transmitting today is the next phase in our effort to provide adequate, safe and well-maintained schools in which our children can learn. This legislation proposes a bond package addressing some \$127 million in statewide school construction and major maintenance to cover the highest priorities on the current statewide list. It is the intent of this legislation that the entire list totaling some \$547 million in school construction and maintenance needs be addressed within five years.

This bill provides for the sale of a portion of the revenues from the settlement of the state's tobacco litigation, to the Northern Tobacco Securitization Corporation, a subsidiary corporation of the Alaska Housing Finance Corporation created under AS 18.56.086. Similar to the program the Legislature approved last year, the bill authorizes the corporation to issue revenue bonds secured by the litigation revenues to finance state grants for the specified school construction and major maintenance projects.

Those projects are comprised of some \$69 million for the first four school construction projects on the statewide priority list: Togiak, Golovin, Koyuk, and Tuluksak schools; and \$58 million for the top 46 major maintenance projects on the list.

We know we have needs beyond those included in this bill. However, this proposal addresses a significant portion of our existing need and provides adequate space and safe learning environments for Alaska's children. I urge your prompt and favorable action.

Sincerely,
/s/
Tony Knowles
Governor

SB 125

SENATE BILL NO. 125 BY SENATOR HALFORD, entitled:

"An Act prescribing a definition of 'damages' that a landowner may claim for injury to or interference with the owner's use of property by a person entering upon the land under the state reservation of oil, gas, mineral, material, or related interests, addressing the determination of the form, amount, and security of the surety bond determined by the director of lands to secure the landowner payment for damages, directing preparation of notice to the landowner for subsurface activities on the land, and setting a limitation on actions against a landowner resulting from entry upon land under the state reservation of interests."

was read the first time and referred to the Resources, Judiciary and Finance Committees.

SB 126

SENATE BILL NO. 126 BY SENATOR WILKEN, entitled:

"An Act establishing a right of action for a legal separation; and amending Rule 42(a), Alaska Rules of Civil Procedure."

was read the first time and referred to the State Affairs and Judiciary Committees.

SB 127

SENATE BILL NO. 127 BY SENATOR ELTON, entitled:

"An Act providing for a blanket primary system, and permitting political parties to select their nominees by alternative means; and providing for an effective date."

was read the first time and referred to the State Affairs, Judiciary and Finance Committees.

SB 128

SENATE BILL NO. 128 BY SENATOR LEMAN, entitled:

"An Act relating to a two-year transition for implementation of the public high school competency examination as a graduation requirement; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services and Finance Committees.

Consideration of the Calendar**Citations**

In Memoriam – William L. Hagar
Senator(s) Halford, Taylor, Kelly, Therriault, Wilken, Ward, Pearce,
Green, Austerman, Lincoln, Davis, Elton, Leman, Hoffman, Donley
Representative(s) Fate, Coghil, James

Senator Leman moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Reconsideration of Senate Bills**SB 72**

Senator Davis requested that the reconsideration on CS FOR SENATE BILL NO. 72(FIN) "An Act relating to 'take-a-child-hunting' seasons for big game" be taken up. The bill was before the Senate on reconsideration.

Senator Davis moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Senator Taylor objected, then withdrew his objection. There being no further objections, the bill was returned to second reading.

Senator Davis offered Amendment No. 1:

Page 1, line 7, after the word "child":
Insert "enrolled in school"

Senator Davis moved for the adoption of Amendment No. 1. Senator Torgerson objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSSB 72(FIN)
Second Reading
Amendment No. 1

YEAS: 5 NAYS: 10 EXCUSED: 4 ABSENT: 1

Yeas: Davis, Elton, Lincoln, Olson, Phillips

Nays: Austerman, Donley, Green, Halford, Kelly, Leman, Taylor, Therriault, Torgerson, Ward

Excused: Cowdery, Ellis, Hoffman, Pearce

Absent: Wilken

and so, Amendment No. 1 failed.

The bill was automatically in third reading.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 72(FIN) "An Act relating to 'take-a-child-hunting' seasons for big game" pass the Senate?" The roll was taken with the following result:

CSSB 72(FIN)
Third Reading - On Reconsideration

YEAS: 14 NAYS: 1 EXCUSED: 4 ABSENT: 1

Yeas: Austerman, Davis, Donley, Elton, Green, Halford, Kelly, Leman, Olson, Phillips, Taylor, Therriault, Torgerson, Ward

Nays: Lincoln

Excused: Cowdery, Ellis, Hoffman, Pearce

Absent: Wilken

and so, CS FOR SENATE BILL NO. 72(FIN) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

Unfinished Business

SB 105

Senator Taylor moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 105 "An Act relating to victims' rights; relating to establishing an office of victims' rights; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; amending Rule 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for an effective date." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 72

CS FOR SENATE BILL NO. 72(FIN) "An Act relating to 'take-a-child-hunting' seasons for big game" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment

SJR 3

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 3(MLV) Relating to the deployment of F-22 Raptor aircraft at Elmendorf Air Force Base, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 3:40 p.m., March 1, 2001.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 3:00 p.m., March 7, 2001. Without objection, the Senate adjourned at 12:01 p.m.

Heidi Vogel
Secretary of the Senate

March 2001

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

COMMUNITY & REGIONAL AFFAIRS

Mar 01	Thursday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Mar 05	Monday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Mar 07	Wednesday	Fahrenkamp 203	1:30 PM
+ SB 48	MUNICIPALITIES: INCORP/PROPERTY VALUATION		
	Testimony by Invitation Only		
+ SB 78	MUNICIPAL REGULATION OF RADIO ANTENNAS		
+ SB 88	METROPOLITAN PLANNING ORGANIZATIONS		
Mar 09	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Mar 01	Thursday	Senate Finance 532	9:00 AM
+ SB 29	APPROP: GOVERNOR'S CAPITAL BUDGET		
	Bills Previously Heard/Scheduled		
Mar 07	Wednesday	Senate Finance 532	9:00 AM
= SB 29	APPROP: GOVERNOR'S CAPITAL BUDGET		
	Bills Previously Heard/Scheduled		
Mar 08	Thursday	Senate Finance 532	9:00 AM
= HB 117	SUPPLEMENTAL APPROPRIATIONS: FAST TRACK		
	Bills Previously Heard/Scheduled		

FINANCE (continued)

Mar 09 Friday Senate Finance 532 9:00 AM
 += SB 65 PAY EQUITY FOR STATE EMPLOYEES
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 05 Monday Butrovich 205 1:30 PM
 No Meeting Scheduled

Mar 07 Wednesday Butrovich 205 1:30 PM
 + Presentation: Career Pathways
 Kris Forrester, Mat-Su School District
 + High School Graduation Qualifying Exam:
 Testimony from business community
 + SB 120 PUBLIC SCHOOL EXIT EXAM
 + SB 128 PUBLIC SCHOOL EXIT EXAM TRANSITION PERIOD
 + Senate Bill: HIGH SCHOOL GRADUATION
 QUALIFYING EXAM
 <Pending Referral>
 + SB 94 EDUCATION FUNDING
 Bills Previously Heard/Scheduled

Mar 10 Saturday Butrovich 205 10:30 AM
 -- Time Change --
 Senate Bill: HIGH SCHOOL GRADUATION
 QUALIFYING EXAM
 <Pending Referral>
 Testimony from Parents, Students, Public
 Bills Previously Heard/Scheduled

JUDICIARY

Mar 02 Friday Beltz 211 1:30 PM
 No Meeting Scheduled

Mar 05 Monday Beltz 211 1:30 PM
 No Meeting Scheduled

JUDICIARY (continued)

Mar 07 Wednesday Beltz 211 1:30 PM
 += SB 97 PROBATION AND PAROLE FEES

Mar 09 Friday Beltz 211 1:30 PM
 + SB 103 ELECTION CAMPAIGNS AND LEGISLATIVE ETHICS

LABOR & COMMERCE

Mar 01 Thursday Beltz 211 1:30 PM
 + Confirmation Hearings:
 Vince Coan, Wasilla
 Ronald L. Otte, Anchorage
 + SB 6 MOBILE HOME PARK EVICTION NOTICE
 + SB 37 PHYSICIAN NEGOTIATIONS WITH HEALTH INSURE

Mar 06 Tuesday Beltz 211 1:30 PM
 No Meeting Scheduled

Mar 08 Thursday Beltz 211 1:30 PM
 = SB 6 MOBILE HOME PARK EVICTION NOTICE
 = SB 37 PHYSICIAN NEGOTIATIONS WITH HEALTH INSURE
 Bills Previously Heard/Scheduled

RESOURCES

Mar 02 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

Mar 05 Monday Butrovich 205 3:30 PM
 No Meeting Scheduled

Mar 07 Wednesday Butrovich 205 3:30 PM
 Overview:
 Alaska North Slope LNG Sponsor Group

Mar 09 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

STATE AFFAIRS

Mar 01 Thursday Beltz 211 3:30 PM
 SB 92 REMOVAL OF MEMBERS OF THE PF BOARD
 = SB 82 2001 REVISOR'S BILL

Mar 06 Tuesday Beltz 211 3:30 PM
 No Meeting Scheduled

Mar 08 Thursday Beltz 211 3:30 PM
 HB 100 JUNETEENTH DAY
 SCR 6 APRIL 2001 SEXUAL ASSAULT AWARENESS MONTH

TRANSPORTATION

Mar 01 Thursday Butrovich 205 1:30 PM
 No Meeting Scheduled

Mar 06 Tuesday Butrovich 205 1:30 PM
 No Meeting Scheduled

Mar 08 Thursday Butrovich 205 1:30 PM
 SB 100 REGULATION OF AERONAUTICS
 = SB 59 FEDERAL FUNDS TO MUNICIPALITIES FOR ROADS
 SB 83 CONSTRUCTION OF HIGHWAYS BY DOTPF
 SB 119 WILLIAM R. WOOD FAIRBANKS INTL AIRPORT

FINANCE SUBCOMMITTEES

EDUCATION & EARLY DEVELOPMENT

Mar 08 Thursday Terry Miller 104 3:30 PM
 FY 2002 Operating Budget:
 Increments/Decrements

ENVIRONMENTAL CONSERVATION

Mar 08 **Thursday** **Senate Finance 532** **12:00 PM**
 -- Rescheduled from 02/28/01 --
 Missions and Measures
 Capital Budget Requests (other than
 Village Safe Water Program)
 Underground storage tank program:
 operating and capital budgets

HEALTH & SOCIAL SERVICES

Mar 07 **Wednesday** **Senate Finance 532** **4:00 PM**
 Governor's Proposed FY 2002 Budget:
 Increments/Decrements/Amendments

LAW

Mar 01 **Thursday** **Terry Miller 104** **8:00 AM**
 Overview: FY02 Operating Budget

Mar 08 **Thursday** **Terry Miller 104** **8:00 AM**
 Missions and Measures
 FY 2002 Operating Budget:
 Increments/Decrements

MILITARY AND VETERANS AFFAIRS

Mar 14 **Wednesday** **Fahrenkamp 203** **3:45 PM**
 Budget Overview/Increment Details

NATURAL RESOURCES

Mar 12 **Monday** **Senate Finance 532** **12:00 PM**
 Missions and Measures

PUBLIC SAFETY

Mar 08 Thursday Fahrenkamp 203 3:45 PM
 Overview: Operating Budget

Mar 15 Thursday Fahrenkamp 203 3:45 PM
 Specific GF Increments/Decrements

REVENUE

Mar 07 Wednesday Senate Finance 532 12:00 PM
 Revenue Operating Budget

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Mar 08 Thursday Capitol 102 2:45 PM
 Katchemak Bay Closure to Bottom
 Mariculture

Mar 13 Tuesday Capitol 102 2:45 PM
 + To be announced

Mar 20 Tuesday Capitol 102 2:45 PM
 + To be announced

Mar 27 Tuesday Capitol 102 2:45 PM
 + To be announced

SELECT CMTE ON LEGISLATIVE ETHICS

Mar 12 Monday Beltz 211 8:00 AM
 + Public Comment
 Proposed Open Meetings Guidelines

OTHER MEETINGS

FISH CAUCUS

Mar 09	Friday	Butrovich 205	12:00 PM
	Impact of Fishing Gear on Marine Habitat		